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May 30, 2002

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Facsimile Transmission

4 pages including this page

TO: EXAMINER: Michael Manh Trinh
ART UNIT: 2822
Fax No.: (703) 305-3432 or (703) 308-7382

RE: U.S. Patent Application No. 09/733,243
SELF-ALIGNED GATE AND METHOD
Attorney Docket No.: 98-P-104C2

☐ Urgent ☐ For Review ☒ Please Confirm Receipt ☐ Please Reply A

Comments:

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PTO/SB/21 (08-

Approved for use through 10/31/2002. OMB 0651-C

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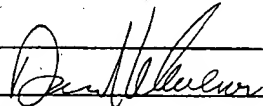
| | |
|----------------------|------------------------|
| Application Number | 09/733,243 |
| Filing Date | December 7, 2000 |
| First Named Inventor | Rpbert Louis Hodge |
| Group Art Unit | 2822 |
| Examiner Name | Michael Mahn Trinh |
| Attorney Docket No. | 98-P-104C2 (850063.542 |

ENCLOSURES (check all that apply)

- | | | |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement; Form PTO-1449 <input type="checkbox"/> Cited References <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53 <input type="checkbox"/> Response to Missing Parts/Incomplete Application | <input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Declaration <input type="checkbox"/> Statement under 37 CFR 3.73(b) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund | <input type="checkbox"/> CD(s), Number of CD(s) _____ <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): <u>Fax Cover Sheet to PTO</u> _____ _____ _____ |
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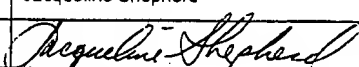
Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | |
|-----------------|---|---|
| Individual Name | David V. Carlson |  30423 PATENT TRADEMARK OFFICE |
| Signature |  | |
| Date | March 30, 2002 | |

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Date May 30, 2002

Jacqueline Shepherd
Jacqueline Shepherd

5/Election
6/10/02
A. W. L.
B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Robert Louis Hodges
Application No. : 09/733,243
Filed : December 7, 2000
For : SELF-ALIGNED GATE AND METHOD

Examiner : Michael Manh Trinh
Art Unit : 2822
Docket No. : 98-P-104C2 (850063.542C1)
Date : March 30, 2002

Commissioner for Patents
Washington, DC 20231

RESPONSE TO RESTRICTION REQUIREMENT

A. W. L.
B

Commissioner for Patents:

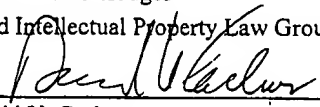
In response to the Restriction Requirement dated May 6, 2002, applicant hereby elects Group II, drawn to a method, for examination at this time. These constitute claims 14-25.

Page 1 of the Office Action noted that claims 11 and 14-25 were pending in application (as noted under section 4). The page 1 also indicated the claims 11, 14-25 subject to a restriction requirement (see section 8). On page 2, in the body of the restriction requirement the examiner noted that claims 1-10 and 12-13 were cancelled. Then the examiner noted that newly added claims 43-45 should instead have been numbered 21, 25, after which the examiner noted that the pending claims were 11, 12-20 and 21-25.

It is believed that a typographical error occurred in this instance since the examiner previously noted that claims 12-13 were cancelled and indicated on page 1 that only claim 14-25 were pending. Accordingly, it is believed that the examiner intended to indicate claims 14-25 drawn to the method were in Group II because claims 12 and 13 have previously been cancelled. For this reason, applicant hereby elects claims 14-25, and confirms that claims 12 and 13 have been cancelled.

✓ In view of the above election, applicant hereby cancels claim 11 without prejudice
filing of any divisional, continuation, or continuation-in-part application. Consideration of
elected claims is now requested.

Respectfully submitted,
Robert Louis Hodges
Seed Intellectual Property Law Group PLLC



David V. Carlson
Registration No. 31,153

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Enclosure:
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Form PTO/SB/21

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